

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action dated June 14, 2006, and within the three-month period for response extending to September 14, 2006.

The current status of the claims is summarized as follows:

- 5 • Claims 1-3, 5, 9, 13, and 17-20 are amended.
- Claims 4, 10-12, and 14 are cancelled.
- Claims 1-3, 5-9, 13, and 15-20 are pending in the application after entry of the present Amendment.

10 **Rejections under 35 U.S.C. § 102**

Claims 1-3, 9, and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Wollrath et al. ("Wollrath" hereafter) (U.S. Patent No. 6,487,607). These rejections are traversed.

15 The Office has asserted that the term "test" in "test execution request" may be interpreted to mean "intent of use" rather than to "designate a claimed feature." The Office has suggested that the term "test" as it applies to "test execution request" should be defined within the claim. The Office has further stated that such an amendment would overcome the prior art of record.

20 For the record, the Applicants submit that the claimed feature "test execution request" is intended to be construed in its broadest sense consistent with its description in the specification. In the interest of clarifying the claimed subject matter, per the Office's request, each of independent claims 1, 9, and 17 has been amended to recite that the claimed feature "test execution request" includes commands specifically programmed to initiate a number of functional aspects of a software product to be tested. At least because
25 of the present clarification of "test execution request," the Applicants submit that

Wollrath fails to teach each and every feature of amended claims 1, 9, and 17, respectively, as required to support an anticipation rejection under 35 U.S.C. 102.

Also for the record, the present Amendment should not be construed as an acquiescence to the Office's position regarding the teachings of Wollrath as asserted against claims 1-3, 9, and 13, in both the present Office Action and the previous Office Action dated December 28, 2005. Based at least on the same arguments presented in the Amendment submitted March 28, 2006, the Applicants continue to traverse the Office's position regarding the teachings of Wollrath as asserted against claims 1-3, 9, and 13. Therefore, the arguments presented in the Amendment submitted March 28, 2006, are incorporated herein by reference. The foregoing notwithstanding, the Applicants believe that according to the Office's statements, the present claim amendments should place all pending claims in condition for allowance. Therefore, the Office is kindly requested to withdraw the rejections of claims 1-3, 9, and 13, as being anticipated by Wollrath under 35 U.S.C. 102.

Rejections under 35 U.S.C. § 103

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath. These rejections are traversed.

Because claim 5 ultimately depends from claim 1, claim 5 incorporates all the features of claim 1 and is patentable for at least the same reasons provided above for claim 1. Therefore, the Office is requested to withdraw the rejection of claim 5.

Claims 6-8 and 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath in view of Jaworski ("Developer's Guide: Java 1.1") and "Process Manager 6.0 Programmer's Guide" ("SUN" hereafter). These rejections are traversed.

Because claims 6-8 ultimately depend from claim 1, claims 6-8 incorporate all the features of claim 1 and are patentable for at least the same reasons provided above for claim 1. Therefore, the Office is requested to withdraw the rejections of claims 6-8.

Because claims 15-16 ultimately depend from claim 9, claims 15-16 incorporate
5 all the features of claim 9 and are patentable for at least the same reasons provided above for claim 9. Therefore, the Office is requested to withdraw the rejections of claims 15-16.

With respect to claim 17-18, the Office has indicated that the same bases of rejection as applied to claims 1-3 and 5-8 are also applied to similar features recited in claims 17-18. Therefore, the Applicant submits that claims 17-18 are patentable for at
10 least the same reason provided above for claims 1-3 and 5-8. Additionally because claims 19-20 ultimately depend from claim 17, claims 19-20 are patentable for at least the same reasons stated from claim 17. Therefore, the Office is requested to withdraw the rejections of claims 17-20.

In view of the foregoing, the Applicants submit that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP030). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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